

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION**

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DEERE & COMPANY,	)	Civil Action No.: 3:10-cv-00059
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
GREAT PLAINS MANUFACTURING, INCORPORATED,	)	<b>COMPLAINT</b>
	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

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Plaintiff, Deere & Company, complains against Defendant, Great Plains Manufacturing, Incorporated, as follows:

1. Deere & Company (“Deere”) is a Delaware corporation having a principal place of business at One John Deere Place, Moline, Illinois 61265.

2. On information and belief, Great Plains Manufacturing, Incorporated (“Great Plains”) is a Kansas corporation having a principal place of business at 1525 East North Street, Salina, Kansas 67401.

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Great Plains. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

5. On January 6, 2009, U.S. Patent No. 7,472,660 (“the ‘660 Patent”) (attached hereto as Exhibit A), entitled “*Seed Tube For An Agricultural Seeding Machine*,” was duly and legally issued to Deere as assignee on an application filed October 13, 2005.

6. Deere is the owner of all right, title and interest in the '660 patent.

7. Great Plains has been, and is willfully infringing the '660 patent by making, using, offering to sell, selling, and/or importing within the United States, infringing seed tubes; by inducing others to infringe the '660 patent; and/or by contributing to the infringement by others of the '660 patent. The accused infringing products include the Clear-Shot Seed Tube. Unless enjoined by the court, Great Plains will continue to infringe, induce the infringement of, and/or contributorily infringe the '660 patent.

8. The infringement of Great Plains have been, currently are, and in the future will be a proximate cause of substantial damage to Deere.

9. If not enjoined as requested herein, Great Plains' infringement will be a proximate cause of irreparable harm to Deere.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Deere prays:

1. Judgment that the '660 Patent is valid, enforceable, and infringed by Great Plains;
2. Judgment that Great Plain's infringement of the '660 patent has been and is willful;
3. A permanent injunction enjoining Great Plains, its officers, subsidiaries, affiliates, agents, servants, employees, and those persons acting in active concert or participation with Great Plains, from infringing, inducing infringement of, or contributorily infringing the '660 patent;
4. An award of damages arising out of Great Plain's infringement, inducing infringement, or contributory infringement of the '660 Patent, together with interest;
5. Judgment that damages be trebled in accordance with 35 U.S.C. § 284;

6. Judgment that Deere be awarded its attorneys fees, costs, and expenses incurred in this action in accordance with 35 U.S.C. § 285;

7. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Deere demands trial by jury of all issues triable of right by a jury.

Dated: May 12, 2010

/s/ Richard J. Sapp, AT0006915  
NYEMASTER, GOODE, WEST,  
HANSELL & O'BRIEN, P.C.  
700 Walnut Street, Suite 1600  
Des Moines, Iowa 50309  
Telephone: (515) 283-3100  
Facsimile: (515) 283-8045  
Email: [rjs@nyemaster.com](mailto:rjs@nyemaster.com)

***Of Counsel:***

Karl R. Fink\*  
**Lead Counsel**  
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007  
E-mail: [krfink@fitcheven.com](mailto:krfink@fitcheven.com)  
\* *To Be Admitted Pro Hac Vice*

**ATTORNEYS FOR DEERE & COMPANY**